

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

1. MEGAN ROBNETT AND JAKE  
ROBNETT, INDIVIDUALLY AND ON  
BEHALF OF, A.H. A MINOR CHILD

PLAINTIFFS

vs.

CASE NO. ~~CIV~~-23-1117-HE

1. INDEPENDENT SCHOOL DISTRICT NO.  
52 OF OKLAHOMA COUNTY,  
OKLAHOMA, A/K/A MID-DEL PUBLIC  
SCHOOLS,

STATE COURT  
CASE No. CJ-2023-3795  
JUDGE BRENT DISHMAN

2. WESLEY MICHAEL STIGLETS,  
INDIVIDUALLY, IN HIS FORMER  
OFFICIAL CAPACITY AS PRINCIPAL OF  
PARKVIEW ELEMENTARY SCHOOL,  
AND

DEFENDANTS.

NOTICE OF REMOVAL

Defendant Independent School District No. 52 of Oklahoma County, Oklahoma, a/k/a Mid-Del Public School (“District”), hereby gives notice to all parties that this action is removed from the District Court of Oklahoma County, Oklahoma to the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. §1446(a) and (b), Federal Rule of Civil Procedure 81(c), and Western District of Oklahoma Civil Local Rule 81.2.

In support of removal, District submits the following:

1. On July 7, 2023, Plaintiffs filed their Petition in the District Court of Oklahoma County, Oklahoma. [Ex. No. 4 - Petition].

2. On September 18, 2023, Plaintiffs Megan and Jake Robnett filed an Amended Petition against District, Dr. Rick Cobb, and Wesley Michael Stiglets in the District Court of Oklahoma County. Exhibit No. 6. The Amended Petition included Title IX violations, a violation of A.H.'s civil rights under the 14<sup>th</sup> Amendment of the United States Constitution, negligent hiring and supervision, negligence per se, and a violation of Article II §§2 and 7.
3. On October 5, 2023, District's counsel contacted Plaintiff's counsel advising her that certain factual allegations asserted in the Amended Petition were incorrect. Later that same day, Plaintiffs' counsel responded to District's counsel and asked District's counsel to "hold off on answering" and that Plaintiffs' counsel was going to investigate the disputed issues with Plaintiffs' factual allegations. [Ex. No. 1. – Emails between counsel for District and counsel for Plaintiffs.]
4. Plaintiffs filed a Second Amended Petition on November 15, 2023, and District's counsel was served with a copy of the Second Amended Petition on November 17, 2023. Plaintiffs' Second Amended Petition also alleged Title IX violations, a violation of A.H.'s civil rights under the 14<sup>th</sup> Amendment of the United States Constitution, negligent hiring and supervision, negligence per se, and a violation of Article II §§2 and 7. [Ex. No. 2, Second Amended Petition, §§35-72]. Plaintiffs' Second Amended Petition dropped Dr. Cobb as a named party to this action.
5. Then, on November 22, 2023, District's counsel again identified an allegation asserted by Plaintiffs that was factually incorrect, specifically an allegation concerning Dr. Cobb.

In Response, Plaintiffs' counsel advised that she would "fix" the Second Amended Petition.

6. On or about December 7, 2023, Plaintiff filed a Third Amended Petition against District and Defendant Stiglets. District was served with Plaintiff's Third Amended Petition in the afternoon of December 7, 2023. [Ex. No. 10 – Third Amended Petition].
7. Given the back-and-forth between Plaintiffs' counsel and District's counsel concerning who would be named as a party to this litigation, District did not submit this Notice of Removal until such time that the parties to this litigation were finalized and District was aware of what parties needed to consent to this removal.
8. Defendant Stiglets has also been served with process with Plaintiffs' Second Amended Petition. In accordance with 28 U.S.C. §1446(b)(2)(A), counsel for District has spoken to Defendant Stiglets about this Notice of Removal, and he consents to the removal of this action.
9. Pursuant to Local Rule 81.2, a copy of the state district court docket sheet is attached. [Ex. 3 - District Ct. Docket Sheet]
10. Jurisdiction and venue are proper in this Court pursuant to 28 U.S.C. §§ 1331, 1367, 1391(b) and 1446(b) since Plaintiff's Third Amended Petition concerns federal questions asserted under 42 U.S.C. § 1983 and Title IX and the site of the alleged incident and location of Defendants are within the Western District of Oklahoma. [Ex. 10, ¶¶ 1-7, 35-63]

11. In accordance with ECF Policies and Procedures Manual II.A,2.c, the documents that have been filed in state court are attached to this Notice of Removal as Ex. 2-10.
12. The undersigned counsel of record affirmatively represents that a copy of this Notice is contemporaneously served on the Court Clerk for the District Court of Oklahoma County pursuant to 28 U.S.C. § 1446(d).

Respectfully,

S/F. ANDREW FUGITT  
F. ANDREW FUGITT, OBA #10302  
JEFFREY D. SCOTT, OBA #32115  
THE CENTER FOR EDUCATION LAW, P.C.  
900 N. BROADWAY AVE, SUITE 300  
OKLAHOMA CITY, OK 73102  
TELEPHONE: (405) 528-2800  
FACSIMILE: (405) 528-5800  
E-MAIL: AFUGITT@CFEL.COM  
E-MAIL: JSCOTT@CFEL.COM  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF MAILING**

This is to certify that on this December 8, 2023, a true and correct copy of the above and foregoing was mailed to the below individuals via:

- ☒ U.S. Mail, Postage Prepaid
- ☐ Certified U.S. Mail, Postage Prepaid
- ☐ Certified U.S. Mail, Postage Prepaid, Return Receipt Requested
- ☒ E-Mail

A. LAURIE KOLLER, OBA #16857  
ASHLEY H. LEAVITT, OBA #32818  
2504 E. 21<sup>ST</sup> ST., SUITE B  
TULSA, OK 74114  
[LAURIE@KOLLERTRIALAW.COM](mailto:LAURIE@KOLLERTRIALAW.COM)  
[ASHLEY@KOLLERTRIALAW.COM](mailto:ASHLEY@KOLLERTRIALAW.COM)  
TELEPHONE: 918-216-9596  
FAX: 918-248-8238  
ATTORNEY FOR **PLAINTIFFS**

S/F. Andrew Fugitt \_\_\_\_\_